

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2024**

The meeting was called to order by Mayor Halpern at 7:00 p.m. The Flag Salute was followed by a Moment of Silent Reflection. The following Sunshine Law Statement was read:

IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).

THIS MEETING IS BEING HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS REGULAR COUNCIL MEETING OF FEBRUARY 26, 2024 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE “RAISE HAND” BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2024-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2023 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson. Others present: Administrator Casagrande (via Zoom), Chief McGovern and Attorney Sobel.

Mayor Halpern asked Chief McGovern if he had anything that he wanted to say. Chief McGovern thanked the governing body for the hiring process and requested moving forward with the appointment of Patrolman. The Chief provided background of Michael Richards employment with Keyport and Highlands as a Special Officer. The Highlands Chief, who was in attendance, was acknowledged as well as Michael’s parents, grandfather and other family.

RESOLUTIONS

1. Resolution No. 2024-55, Hire Police Patrolman - Michael Richards

WHEREAS, Corporal John Waltz is retiring effective April 1, 2024 which will leave a vacancy within patrol in the Fair Haven Police Department; and

WHEREAS, Police Chief Joseph McGovern recommends the vacancy be filled by Michael Richards to maintain the Department staffing model; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Michael Richards is hereby appointed as a Probationary Police Officer in the Fair Haven Police Department effective February 27, 2024, upon swearing in.

BE IT FURTHER RESOLVED that the annual salary will be \$54,051.00.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

OATH OF OFFICE

Mayor Halpern administered the Oath of Office to Patrolman Richards while his parents held the Bible. His grandfather pinned his badge on his uniform.

Chief McGovern and the Fair Haven Police Department left the meeting at 7:05 p.m.

2. Resolution No. 2024-56, Executive Session: Personnel, Litigation and Contract Negotiations

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body may wish to discuss the following matters:

Personnel

1. DPW Staffing
2. Chief Financial Officer
3. 2024 Non-Aligned Salaries
4. Borough Administrator Position

Litigation

1. McCarter Pond Hydro-Rake Project

Contract Negotiations

1. Solid Waste/Recycling Contract
2. Affordable Housing

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

The Borough Clerk was excused from the meeting at 7:09 p.m. and Krystie Larsen, Deputy Borough Clerk, stepped in to take minutes for the discussion of two items.

The governing body went into executive session at 7:09 p.m. and this meeting was reconvened at 7:32 p.m.

The Borough Clerk returned to the meeting at 7:32 p.m.

WORKSHOP SESSION

Mayor Halpern asked if there was anyone in attendance for the Girls on the Run Event to be held on June 2nd; no. This is an annual event. Chief McGovern reviewed the request and asked that Lauren Porter reach out to him in the beginning of May to be sure that they have everything in place. Motion to approve moved by Councilwoman Koch, second by Councilwoman Cole with Ayes by all present.

A request from the Fair Haven Business Association was received to post Thank You lawn signs the first week of each quarter. Motion to Approve moved by Councilwoman Cole, second by Councilwoman Koch with Ayes by all present.

A request was received from the Foundation of Fair Haven to post lawn signs for the Hoe Down Event (March 2nd) and for Fair Haven Day (May 15th - June 15th). Mayor Halpern already approved the lawn signs for the Hoe Down as the request was received after our February 5th meeting and the event is this weekend. Motion to approve the Fair Haven Day signs moved by Councilman LaBarbera, second by Councilwoman Cole with Ayes by all present.

With regard to the proposed Farmer's Market, Ana Anttonen, Elise Casey and Maggie Ludman have gone above and beyond. Attorney Sobel said their paperwork and insurance are in order. The only matter to be finalized is with the police for the road closures and safety details. They do not require any of the DPW's services as the vendors are aware that they need to remove their own trash and will be provided bags to do so. Ana Anttonen and Elise Casey spoke with Chief McGovern and they are locked in on his calendar. The street closure will be at the arborvitae. There is ample street parking and they will promote walking and biking to the event. The Farmers Market Committee has been doing a lot of ads and information through Instagram. There is an Art Show being held on April 19th at Bicentennial Hall to raise funds to pay for police costs. Councilman LaBarbera asked that they address safety concerns for the event; this was understood. The foot path was discussed with Chief McGovern and Superintendent of Schools, Sean McNeil, to be sure the gate is open to the public so they can access the Farmer's Market from River Road. Councilwoman Cole said that Sickles School has a large bicycle area to park bikes. There are two entrances to Willow Street (Oak Place and Fair Haven Road). The event is rain or shine unless there is

catastrophic weather which would then create a need to cancel. Many applications have been received and everyone is excited for the event. The Borough will have a table there as well. All areas will be tented. Motion to approve moved by Councilman LaBarbera, second by Councilwoman Koch with Ayes by all present.

Brian Rice, Environmental Commission Chairman, was in attendance to present the 2023 Environmental Commission Annual Report which was provided, in writing, to the governing body. Kelly Flanagan, Green Team, was also in attendance. The Commission is working on the Environmental Resource Inventory which is being handled by Jessie Murray. Stormwater Management is a big topic. They are trying to shore up the shoreline at Robards Park at the end of DeNormandie. McCarter Pond Phase I hydro rake is done and they hope for Part II to be done this year. With regard to deer mitigation, the NJDEP is to present the process to the governing body. Councilman LaBarbera said education is needed for the public. We cannot trap or sterilize the deer, the only way to control the deer is to authorize a bow hunt like the State and County. Mr. Rice said that Fair Haven can support five (5) deer, however we have quite a bit due to breeding. During the walk with Jodi Foster (DEP) and the Environmental Commission, last year, there were a dozen in the Fair Haven Natural Area, alone. Councilwoman Cole said NJ Fish and Wildlife came and they provided great education and we are trying to get Jodi Foster to present the same information to the governing body. It was asked if the DEP would give a presentation either in-person or via Zoom. Brian Rice said there have been no hunting accidents in the State and deer management would be done by bow in a controlled environment. The Navesink River is handled by Brian Rice and he has made great strides working with NJDEP and the surrounding area. It is a Shellfish area and there are certain guidelines to be followed which will be helpful with fecal coliform.

Environmental Roundtables consist of the boards and commissions in town to brainstorm and then brought back to Council. There were meetings a few times last year and there was a meeting this past February. Councilman LaBarbera would like to see what is centralized for the Fair Haven Fields Natural Area; a process is needed to understand what it looks like and expectations. Brian Rice advised it is a work in progress and he will speak with Brian Olson about it. The Mayor asked when there was a report from the roundtable. It was reported when a meeting was scheduled by the Environmental Commission liaison. The Mayor would like a more structured meeting and a report back so we are aware of what the needs and concerns are. Minutes need to be taken. Councilmembers DiMiceli and Olson will meet about this along with Brian Rice. Kelly Flanagan, Green Team member, advised that she has been part of the roundtable meetings as well as Administrator Casagrande. Councilwoman Cole explained how round tables took place in the past. The governing body discussed what falls under the Environmental Commission umbrella i.e. Stormwater Management and commonalities.

With regard to the Third Street Trail, everyone knows what is going on with the trail. There has not been much involvement with the Harding Bird Sanctuary. The Fair Haven Fields Natural Advisory Committee has put in a request with goals for the 2024 budget. The Environmental Commission does not have a large budget or a need for one, but now there is a need to support the Green Team "Love Where You Live Day". For many years, the Environmental Commission never used their budget. The Green Team was self-funded and under the Environmental Commission and there has been a request for a budget increase. Councilman LaBarbera asked for further structure and how the budget would be managed for those that fall under the Environmental Commission. Councilman Olson said that he is trying to help clarify the purpose and mission. Councilwoman Cole said there are many moving parts to the Environmental Commission i.e. the Bird Sanctuary, Third Street Trail, and Natural Area. The powers and duties are spelled out via statute and Borough Code.

Carolyn Ferguson showed up at the last Environmental Commission meeting and requested budget monies. Councilwoman Cole advised the Environmental Commission does not have authority. Administrator Casagrande said in 2022, when the Green Team came on board, we increased the Environmental Commission budget by \$2,500 and did the same for 2023 and it was so noted in the budget, at that time. Councilman Olson said the lines are murky for the Fair Haven Fields Natural Advisory Committee and Green Team and what fits where. The thought is the trail should fall under the Fair Haven Fields Natural Advisory Committee, but they have no municipal resource to communicate. Brian Rice asked to be advised who falls under the Environmental Commission's umbrella for better clarity.

Jonathan Peters is a map guru for the Commission and he will collaborate to put the map together. Engineer Gardella advised it was worked on a while ago and needs to be revisited; there will be a conversation offline regarding this. Mayor Halpern thanked Brian Rice and everyone involved for all they did in 2023 and will continue for 2024.

With regard to the sale of Borough Property (Hendrickson Place), Mayor Halpern advised that this is to strictly discuss the corner lot. Attorney Sobel explained the process. The Borough will be putting together a legal notice, a resolution to authorize the auction, put the property out for bid as

well as a resolution to accept the bid/award it. Time frame to sell will be in six months. The legal notice has not been created and will not be until a few loose ends are tied up. Mayor Halpern asked if the Borough can pull back if the real estate market changes; yes, but not after the advertisement. The governing body was advised that the last property auction the Borough held, we set a minimum amount for the bid based on property appraisal.

With regard to the McCarter Pond Hydro Rake Project, Administrator Casagrande advised Ordinance No. 2022-08 was passed for \$200,000 for McCarter Pond Hydro Rake and upgrades with any balance for invasive species and public land restoration in the Fair Haven Fields Natural Area. The McCarter Pond Phase I project total was \$106,720 leaving \$93,279 available from the original \$200,000 ordinance. The remaining work for McCarter Pond comes down to purchasing and time for Phase II. She explained the quote process for Phase I and advised if the governing body wants to move forward with the same process for Phase II, we would need to wait until November 2024 (one-year continual clock not a calendar year). The options were provided to the Mayor and Council. It was recommended that there is re quoting in November or bid in the summer. We have monies in the 2024 draft budget to do McCarter Pond or another project. It was asked if we continue on quote threshold and wait until November or dive into bid specs? The bids could be rejected if it exceeded the budget in place. The Council had some questions about funds and options. The Mayor said there are rules in place for the pond if an area is transitioned and we should speak with the Environmental Commission. In the spring or summer, we could seek out some volunteers to detransition the area to get it ready for November to get a better result for the entire pond. Councilwoman Cole said McCarter Pond is not done, and the bank clean up needs to take place; this is on hold until Phase II.

Councilman Olson asked Administrator Casagrande about the unspent money on the project and if the Fair Haven Fields Natural Area Committee can tap into \$44,000 to address invasives. The Mayor and Council would need to authorize it as stated in the ordinance. We can list a resolution at the next meeting to authorize the Fair Haven Fields Natural Area Advisory Committee to have the funds. The Borough should also be looking into manually stopping the transition at the pond. The Environmental Commission should look into volunteers and the DPW Committee will look into the process for quotes in November.

The next Council discussion was the Solid Waste and Recycling Collection Bid. Engineer Gardella and Assistant CFO Nancy Britton came forward to join the Council's discussion. Administrator Casagrande advised that there have been internal discussions to prepare the draft Solid Waste and Recycling Collection Service bid documents between the Engineer and Assistant Engineer, Director of Parks and Recreation, Assistant CFO and the Borough Clerk. The Mayor and Engineering and DPW Committee joined in on one of the discussions. The group needs input from the governing body with details to insert into the specification.

Engineer Gardella advised that the current Solid Waste and Recycling Collection Service contract expires on June 30, 2024. The current contract is a three-year with two, one-year extensions which was last bid in 2019. We are sort of late in the game as it is almost March. Internally, we have been working outside this forum and looking at ways to be somewhat creative and understanding where trends are going with costs, what the Borough's needs are to continue this service (solid waste, recycling throughout the Borough including our parks and the downtown). We are looking at the needs of our recycling center and what will be required for the new facilities (Police Department, Community Center and DPW, once built). The Mayor and Council were provided with an outline for consideration on how we should bid this project for residences, business/commercial and parks (3-year option, 5-year option or 3 year plus one plus one). Nancy Britton, Assistant CFO, will speak to purchasing and Local Public Contracts Law. The matter has been discussed internally and with the Engineering and DPW Committee. We looked at other municipalities and how they bid their trash and recycling services. We needed to collect the data (tonnage, number of cans in parks and downtown, number of residences, number of households and number of cans for the businesses that are picked up). The bidder needs to know the numbers in order to provide a cost for the services required. In the prior bid, we had appendixes with mapping, zones, information on all of the streets, number of cans and how many were automated and non-automated. Tomorrow, Engineer Gardella is walking along the downtown to assess cans that are needed and we need to include recycling collection for the downtown (currently, just trash is collected). Engineer Gardella said the department heads involved developed the document that was distributed; this is not a traditional bid where we can provide an approximate cost for this service. This provides options and alternates for "add ons". We know what we need so it comes down to frequency or do we keep the collection as it has been in past years. He reviewed what we have now for the governing body, including bulk pickup ten times per year and the contractor taking our dumpster from DPW and providing an empty dumpster. We have downtown cans and cans for the parks which are non-automated and require a different truck to collect. What is before the governing body is a "first shot" proposal.

Our thought process has been what is the need of the Borough while looking at the fact that the cost is going to go up. Based on other municipality's bid results; it can increase up 50%. Bulk

pickup four times a year and roll offs with cost per pull, as needed. There is a need to rank the alternates based on priority per Local Public Contracts Law; the alternates were reviewed. There are other alternatives that could be looked at. Nancy Britton advised that the Borough has looked at the municipalities (Highlands, Belmar, Manasquan, Neptune City, Eatontown) that recently went out for bid for more recent information regarding this service. Their costs per units were received and the internal committee liked Eatontown's bid and the way the line items were broken down. Mayor Halpern asked about the reference to recycling cans in the downtown area and if it is replacing cans or are we adding them to the trash cans that are there. It would be a new unit that has both a trash can and recycling can; a more consolidated dual unit for trash and recycling. We are reviewing the best fit that works within the downtown that doesn't impede pedestrian flow, ADA and what makes sense. The Borough needs to speak with the businesses to learn what the wants and needs of the business district are. Engineer Gardella advised Council that we do not currently have recycling cans in the downtown area and since we did all of the streetscape improvements, it would make most sense to provide consolidated units along the downtown.

The Mayor's understanding is that a lot of plastics are not being recycled and shipped to China. He did not want to install recycling cans and commit to something based on environmental impact if there is no real impact. If we are going to make a material change to the Borough's process, it should be done only if it makes sense. Councilman Olson said there was a Washington Post or NY Times article on what is done with recycling and how it is shipped to China (plastics). Aluminum is a separate matter as there are economic systems that makes it rational to recycle. Councilwoman DiMiceli asked what other municipalities have in their downtown; dual systems. The number for cans will not skew the numbers by much. Our current cans in the downtown could use some sprucing up which can be done through Clean Communities funds. Councilwoman Koch asked when the trash cans and planters were installed; 2009. The vendor exists and the brand, but there are other products out there. Most Federal, State and County parks have a carry in/carry out policies and it was asked why we cannot have the same. Engineer Gardella said, as part of the bid, we are looking at making the cans in the parks more efficient for the user and the Borough i.e. placement. The entry points should have the receptacle vs. having cans all over the fields. Engineering/DPW, Parks and Recreation along with Administration have looked at the 80-100 cans that are out at the park fields, the downtown, etc. The Borough is trying to "reel in" the amount of cans that should be picked up through this bid especially for parks and the downtown as it relates to aesthetics. We have the data and we know what is required for this service and how to balance it.

Councilman LaBarbera commended everyone involved with the initial draft which is a step in the right direction for the creativity that is required. He provided information on inflation since 2020 and the 50% possible increase for this service. The Engineering and DPW Committee will meet this week and he would like to structure the bid for authorization at the March 11th meeting (March 25th, the latest, because of the 60 days that the bid has to be advertised and responses received). Adam Hubeny should give input from a Recycling Coordinator perspective for e-Waste and possible recycling grant money. It was suggested that there be a section added to the bid spec for additional menu item pricing. There should be break out of once a week pick up vs. twice a week pick up so that we can get what we need without excluding vendors. Councilman LaBarbera would like this additional analysis to make a decision. He was willing to meet with the Mayor, Administrator Casagrande, Nancy, Allyson and Rich to come up with an updated component to move towards an authorization to bid. Councilwoman Cole asked, if costs are going up, what is the minimum non-negotiable base bid that we have to provide? It needs to be precise in the bid document so that the Borough and governing body are able to explain it to our fellow residents. She is concerned with the cost increases because we have a tight budget; there could be opportunities in terms of goals i.e. clean streets without debris clogging storm drains and our waterways with not having cans out every single day. She asked, "what problems can we solve"? The Council was advised that we are looking for one day with trucks coming in and out so we do not have a lot of truck traffic in the Borough. It is important to reduce cans and trucks on the street. Assistant CFO Britton advised that Finance increased the budget number to what we anticipate for this year. The Division of Local Government Services is aware that there are a lot of municipalities going out to bid for solid waste and recycling and they may look at municipalities on a case-by-case basis; CFO Lapp is aware of it. It is hoped we could take some outside CAP, but anticipate it will be inside CAP. A percentage of the increase came out of CAP last year and we hope the State will allow the same this year.

Engineer Gardella asked for feedback and direction based on what we are proposing as far as line items. We are looking to have the entire Borough collected in one day and add an option to keep it like we have it, with Zones. Councilman LaBarbera asked to add four lines to each option so we get the data we need. He will send his proposal to everyone. The bid is 85% done but needs small tweaks to get what we need to get the bid to 100%. Mayor Halpern felt we don't need to add recycling downtown and we can shorten the two day alternate between Memorial Day to Labor Day for residences (eliminate two weeks to the front end and four weeks to the back end which is

Alternate #2). Councilwoman DiMiceli asked questions and provided input. We need to prioritize what we want in the bid and should not add any additional options/alternates. Attorney Sobel advised that the governing body needs to authorize the bid in two weeks so that we meet the appropriate statutory dates/deadlines for this service.

Councilwoman Cole said with regard to the 80-100 non-automated cans, one-time per-week pick-up would be adequate. If we carve out the parks and downtown area from the bid, we can bring those pick-ups, in-house with our DPW staff. Assistant CFO Britton explained the transfer station scenario and the need for permitting through NJDEP and/or the County; there is not enough time to acquire the appropriate permits prior to going out for bid. Most of what is collected from the parks trash is pet waste bags which then would be brought back to the DPW yard and placed in a container that is not watertight creating hard to manage odors and leaching water that goes into the ground water. Councilwoman Koch said if a majority of what is being picked up from the parks trash cans is pet waste, it should be the responsibility of the pet owner to dispose of it at home. The sports schedules were also discussed/considered. The Mayor said we have a good base and should expand the research for the transfer station permit, take in/take out requirement and can placement in the downtown. Councilman LaBarbera asked if everyone was on the same page regarding twice a week pick up (it could be the last alternate). Bulk pick-ups being reduced to four times a year, was also discussed. It was asked if the Council wanted an alternate for four additional bulk pickups; the Mayor was not in favor of this as an alternate and that once a quarter bulk pick up would be more than enough. Bulk on the streets is unsightly and can create possible safety issues.

Mayor Halpern asked Administrator Casagrande to speak to bids for Maple Avenue Improvements. The Borough awarded the bid for DPW Facility Alterations and there was an alternate option to that bid. The results for alternate came in higher than Engineer Gardella's estimate so we rejected them. We need to have the improvements made but there is no budget. The Finance Committee discussed Bond Counsel amending the original facilities bond ordinance to include the Maple Avenue Improvements; the description would just be changed not the amount. We can accomplish what is needed with the new description to accommodate the purpose.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 9:23 p.m. The Mayor announced that the three-minute time limit will be strictly adhered to. He also advised that Council Committee Reports have been removed from the agenda beginning with this agenda.

Bill Perkins, Hance Road, advised the Brush and Leaf Ordinance has conflicts and verbiage issues; he provided a handout with his notes. He asked about the definition of brush and that it be clarified. With regard to the trees that were removed from the Hendrickson property site, he asked if the site is to be sold; yes. He asked who removed the trees and who paid for their removal; the Borough did. Attorney Sobel advised the Council is looking into what transpired. Mayor Halpern advised we are looking into the who, what, where, when and why as the Borough has concerns. The lot was subdivided; one is Habitat for Humanity's lot and the other will be auctioned. Mr. Perkins advised deer management is critical and needs to be addressed; he contracted Lymes Disease last year and three babies were born on his property.

Bonnie Torcivia, Battin Road and Carolyn Ferguson, Colonial Court (Fair Haven Fields Natural Area Advisory Committee) spoke to the hydro-rake of McCarter Pond and that the Natural Area was supposed to be provided with the remainder of the funds (\$93,000). The Committee had someone (Weeds, Inc.) come in to look at the northwest corner of the Natural Area and provided a plan to help restore and extend the trails. Mrs. Ferguson advised DPW has the quote of \$6,000 and they are in support of it; the project is ready to go and would make a major step in the process. Councilman Olson advised, as their liaison, it would be money well spent and they are willing to use some of their Community Appeal money. Administrator Casagrande said in order for the project to be considered capital, it would need to be a large-scale invasive removal vs. spraying an herbicide. The work may have to split it up. Councilwoman Koch asked if it would be a one-time deal or need to be done every year; Bonnie Torcivia said there would need to be some spot treatment. There is Knotweed near the Gentry area. Mayor Halpern advised the Borough is still finalizing McCarter Pond; we will need to see what balance is left.

Stephanie Adams, Oxford Avenue, liked the "carry in/carry out" recommendation and it comes down to enforcement and the Borough's communication program. There are ways to reduce waste; it would help to have another bottle filling station. There have been discussions with Baseball and residents about it and there is support. The Borough should encourage fewer plastic bottles and have some powder packets at the concession stand. Recycling collection being every other week, as an option, is not ideal, this year, with the recycling center being closed and the need to have all cardboard go into the recycling can. Attorney Sobel advised the Borough has no idea what the

length of the contract will be; it could be a three year, a five year or a three year with extension options. Ms. Adams said there is a health concern with the deer and it needs to be addressed. Councilwoman DiMiceli asked Ms. Adams if the water filling station could be a water source and assist with the Third Street Trail; yes.

Elise Casey, Fair Haven Road, asked if \$106,000 was spent on McCarter Pond and how much of the pond was addressed; 25% of the pond was worked on (vendor work and to remove 165 tons of vegetative waste). She asked if the rest of the money would be for McCarter Pond Phase II project in 2024. More work needs to be done and we are unsure of the costs; we are looking into the costs involved.

Carolyn Ferguson, Colonial Court, stated the Fair Haven Fields Natural Area Advisory Committee agreed to take the pond spoils so they could dry out in the former nursery area of the Natural Area. She asked if that would be considered a violation. Attorney Sobel advised the Borough would need to speak with the Engineer tasked with our Hydro raking Project.

Bonnie Torcivia advised Brian Rice had mentioned one of the problems in the Natural Area is with the deer; we are not going to have any new growth as long as the deer are there. Nick Poruchynsky and Dave Karl have the information and report from the NJDEP regarding deer management.

Liz MacNeill, Third Street, asked regarding garbage and recycling, what Rumson does i.e. once a week, twice a week? We looked into this with Rumson, but their contract does not align with ours. She asked that, as a resident of Third Street, the Borough not make DPW a transfer station. She was advised that there will not be trash in DPW. Administrator Casagrande advised that Rumson has their trash picked up twice a week, bulk is done by appointment only two times per year and recycling is picked up every other week.

Chris Hempstead, Willow Street, asked about the Farmers Market, as the last time it was discussed, the committee was going to look at holding it in the park instead of Willow Street. He is concerned with issues such as blocked driveways and blocked traffic. He was advised that this idea has been discussed at the last six Council meetings. Chief McGovern was not in attendance this evening so there is no traffic plan information. The Farmers Market will start in the street on Willow Street and if there is a negative experience, we could pivot to the park if it was felt to be the best scenario for the Borough. We are not sure of the impact the Farmers Market would have on the fields. Mr. Hempstead said if it is a success, there could be an inclination to increase frequency per month. The market is approved for once a month but could change in the future, based on success. Attorney Sobel said it will be held once a month between May to November (six times).

Ruth Blaser, River Road, asked, with regard to the light pole bid, what happened to what was put up during the streetscape? She was advised the Borough is repairing the existing lamps. With the need for environmental friendliness, mushroom lights should be used since they are not intrusive. The Brush and Leaf ordinance allows a 10-day leeway for brush out at the curb which defeats the whole purpose of a schedule especially with four zones. Little Silver is doing rolling pick up after doing away with their brush pick up schedule. The Borough does not need this program, there should be more fine tuning as to how pick up occurs. The proposed ordinance mostly deals with aesthetics, not safety or health. Residents should be able to put their brush, trash and recycling cans on their lawn as long as they are being actively used, not hidden. Deer management needs to be done, but there will be an uproar; she suggested residents plant basil to deter them. Years ago, residents were permitted to bring bulk items to the DPW yard every Saturday, between 9 am-1 pm; this should occur again. We are a small town and residents should be able to tell DPW what they want done not DPW advising what they will do.

Mayor Halpern said that during “Good of Borough” there is a time sensitive grant that Councilwoman Cole will speak to.

There being no further comments or questions, the meeting was closed to the public at 9:56 p.m.

APPROVAL OF MINUTES

Councilmember Koch made a motion to approve the Special Meeting minutes of February 5, 2024, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

Councilmember Koch made a motion to approve the Regular Meeting minutes of February 5, 2024, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson
 Negative: None
 Abstain: None
 Absent: None

Councilmember Koch made a motion to approve two sets of Executive Session minutes from February 5, 2024, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson
 Negative: None
 Abstain: None
 Absent: None

OLD BUSINESS

Councilman LaBarbera asked for the governing body's input on the color of the siding and roof for the Police Department and Community Center buildings. He had the samples for Council to re-review and provide input. The consensus of the Council was to go with light mist siding and pewter gray for the roof. This will now trigger the selection of colors for the interior (the hardware, interior doors, etc.). It should be noted that the steel has been installed to frame the police building. Councilwoman Cole said the one thing that has not been discussed is how the corners of the siding will be done i.e. miter, a contrasting corner guard; that is a question for the Architect.

Councilwoman Hoey left the meeting at 10:00 p.m.

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2024-02, Amend Chapter 16, Solid Waste Management - Brush and Leaf Collection

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN, COUNTY OF MONMOUTH, AMENDING CHAPTER 16: "SOLID WASTE MANAGEMENT" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO UPDATE THE REGULATIONS FOR BRUSH AND LEAF COLLECTION IN THE BOROUGH

WHEREAS, the Mayor and Council of the Borough of Fair Haven (the "Borough") consider the preservation and protection of public property and public health, safety, and welfare to be a significant and important priority for the Borough and the welfare of its residents; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough residents to implement certain measures to keep the Borough's streets, roads, sidewalks, bike paths and public rights-of-way free from debris for the safe passage of vehicles, including emergency vehicles, pedestrians and bicycles; and

WHEREAS, the Borough's Administrator, Brush and Leaf Committee, Director of Public Works, Director of Communications, and Code Enforcement Officer have recommended certain changes to the regulations for brush and leaf collection within the Borough; and

WHEREAS, the Borough seeks to assist residents in the disposal and removal of brush and leaves in an organized and orderly fashion.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

SECTION 1. Section 16-5 entitled "Collection of Brush and Leaves" of Chapter 16 entitled "Solid Waste Management" of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 16 SOLID WASTE MANAGEMENT

* * *

§ 16.5 COLLECTION OF BRUSH AND LEAVES

§ 16-5.1 ~~Regular Pickup of Brush and Leaves; Grass Clippings; Raking and Plantings Placement Prohibited.~~ Introduction.

- a. ~~Placement of Brush and Leaves.~~ Residents shall place brush and leaves at the outside edge of pavement or delineated travel lanes for collection only during the days and times as may be designated by the Borough Council and/or published in the Leaf and Brush Collection Schedule. Brush and leaves shall be placed separately in the street adjacent to the curb and abutting the party's property. Brush and leaves shall not be placed in plastic bags or other types of containers, except for properties on River Road. Piles of brush or leaves shall not obstruct pedestrian, bicycle or vehicular travel lanes.

~~The Brush and Leaf Collection process is designed to keep Borough streets clean and safe, reduce the amount of debris that ends up in our storm water system (storm drains, and ultimately the river) in complementation of Chapter 23 Stormwater Management and Municipal Storm Sewers, and to optimize the use of Department of Public Works resources.~~

- b. ~~Grass Clippings, Rakings and Plantings; Placement Prohibited.~~ Grass clippings, rakings and plantings shall not be placed, raked, blown or otherwise caused to be disposed upon the Borough streets or curbs. They shall not be picked up by the Borough.

~~Fair Haven Residents shall be permitted to dispose of brush and leaves in accordance with the requirements set forth in this section.~~

- c. ~~Brush and Leaf Violations: (Fines restated at 2-56.1, Fee Schedule.)~~
~~First offense: Warning~~

~~Second offense: \$100~~

~~Third or more offenses: Court appearance required~~

§ 16-5.2 Intent and Purpose.

- a. ~~The intent of this section is to simplify and streamline the Borough of Fair Haven's brush and leaf collection process.~~
- b. ~~The intent of this section is to implement solutions to improve the brush and leaf removal process in a convenient, safe, and budget neutral manner, while attempting to standardize the process and increase services.~~
- c. ~~The purpose of this section shall be to regulate the disposal and curbside collection activities of residents within the Borough of Fair Haven by limiting the times and placement of leaves and brush that may be disposed of curbside throughout the year.~~

§ 16-5.3 Definitions.

ACTS OF NATURE

~~An incident that occurs due to natural causes that could not have been foreseen or prevented by foresight (i.e., a named storm).~~

BRUSH

~~Tree limbs, branches, or twigs less than three (3) inches in diameter and no longer than four (4) feet in length. Brush shall not include yard waste.~~

BRUSH CAN

~~The Borough-approved container in which a resident is responsible to procure and maintain to prevent brush from spilling or blowing out into the street and coming into contact with stormwater.~~

COMMERCIAL LANDSCAPER

~~Any person or entity, for hire, whose business involves trimming, pruning, cutting, removing or maintaining shrubs, bushes and trees, or raking or blowing leaves.~~

CONTAINERIZED

~~The placement of brush in a Borough-approved container such as to prevent brush from spilling or blowing out into the street and coming into contact with stormwater.~~

PERSON

~~Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.~~

RESIDENT

A person who is an owner, lessee, tenant, mortgagee or occupant, and that person's agents and/or assigns, or caretaker of any property within the Borough.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive, bike path, or other way, which is an existing State, County, or Municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

TREE SERVICE COMPANY

The same as "Commercial Landscaper."

VEGETATIVE WASTE

The same as "Yard Waste."

YARD WASTE

Grass clippings, leafy clippings from hedges and non-woody garden waste, annual plants, weeds, dead flowers, shrub clippings, dirt and sand. Yard Waste and Vegetative Waste shall be used interchangeably throughout this section and are assumed to be synonymous.

§ 16-5.4 Division of Borough into Zones for Collection.

- a. For purpose of collecting brush and leaf materials, the Borough is divided into four (4) zones. Please refer to the zone map which is on file at Borough Hall and can also be found on the Borough website.
- b. The Mayor and Council shall determine a Leaf and Brush Collection Schedule for each zone on an annual basis and may amend said schedule as necessary.
- c. Pursuant to the applicable zone, residents shall place brush and leaves for pick up only during the designated days and times for the zone as published in the Leaf and Brush Collection Schedule and/or may be designated by the Borough Council.

§ 16-5.5 "Brush Can" for Containerized Pick Up.

- a. Residents are encouraged to participate in the containerized pick up of brush by utilizing a Borough-approved "Brush Can."
- b. A Brush Can is a receptacle that meets the following specifications:
 - i. Shall be gray in color, and not spray painted.
 - ii. Shall not exceed a 32-gallon capacity.
 - iii. Shall be round in shape.
 - iv. Shall be made of plastic material.
- c. Residents can visit the Borough's website to find more information on how to purchase a pre-approved Brush Can.
- d. Brush cans are only used for brush pick up and shall not be utilized for the pickup of leaves.

§ 16-5.6 Collection Schedule and Requirements.

- a. **Spring and Fall Clean-Up - Brush and Leaves.**
 - i. The Borough will collect brush and leaves during the same pick-up cycle in the spring and fall of each year in accordance with the Leaf and Brush Collection Schedule and at such other times that may be deemed necessary by the Borough, such as after major acts of nature.
 - ii. Brush can be containerized or not containerized in accordance with subsection 16-5.7 of this section.
 - iii. Residents may place their Brush and Leaves out for collection no earlier than ten (10) days prior to their zone's pick-up time in accordance with the Leaf and Brush Collection Schedule.
- b. **Brush-Only Pick-Up.**
 - i. The Borough will collect brush from each zone twice per month between May and September in accordance with the Leaf and Brush Collection Schedule.

- ii. For Brush-Only Pick-Up, Brush must be containerized in a Borough approved Brush Can for pick up in accordance with subsections 16-5.5 and 16-5.7a.
 - iii. Brush Cans shall not be set out for collection more than one (1) day prior to the scheduled pick up date for the zone.
 - iv. No leaves, vegetative waste or yard waste shall be placed in the Brush Can during Brush-Only Pick-Up.
- c. **Leaves-Only Pick-Up.**
- i. The Borough will collect leaves in November and December on a rolling basis.
 - ii. Leaves must be free of any yard waste, vegetative waste, sticks, branches, tree parts, rocks, vines, or other foreign materials.
 - iii. Residents shall not mix or otherwise place potted plants or root systems with leaves.
 - iv. Residents may place leaves for collection at any time during this period.

§ 16-5.7 Placement Requirements.

a. **Containerized Brush.**

- i. To qualify for pickup, containerized brush shall be left out for collection in a Borough approved container ("Brush Can").
- ii. Only brush shall be placed in the Brush Can. Leaves or any other yard or vegetative waste shall not be placed in the Brush Can.
- iii. Residents shall place the Brush Can near the curb line or roadway so as to be easily collected from the roadway; but not so near the curb or roadway as to project therein or to interfere with vehicles lawfully using the street.
- iv. Residents shall not place the Brush Can on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten (10) feet of any storm sewer inlet or fire hydrant.
- v. Brush shall be no larger than three inches (3") in diameter and no longer than four feet (4') in length.
- vi. Brush Containers shall not be stored or placed within front yard area prior to the time at which such containers are permitted to be placed at the curbline for collection. Brush Containers may be stored in either rear or side areas, but if stored in side areas, they shall be screened from the view of street areas with planting or fencing.

b. **Loose Brush or Leaves.**

- i. Brush and leaves left out for collection together shall be placed in separate untied bundles or piles and left for collection by placing the bundle(s) or pile(s) on the beginning of the roadway and extending no more than three feet (3') from the curb or if there is no curb, no more than three feet (3') from where the roadway begins.
- ii. Brush shall be placed in separate untied bundles and left for collection by placing the bundle(s) on the beginning of the roadway and extending no more than three feet (3') from the curb or if there is no curb, no more than three feet (3') from where the roadway begins. Brush shall be in placed in separate pile(s) from leaves.
- iii. Leaves shall be placed in piles and left for collection by placing the pile(s) on the beginning of the roadway and extending no more than three feet (3') from the curb or if there is no curb, no more than three feet (3') from where the roadway begins. Leaves shall be in placed in separate pile(s) from brush.
- iv. Residents shall not place brush or leaves on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten feet (10') of any storm sewer inlet or fire hydrant.
- v. Brush shall be no larger than three inches (3") in diameter and no longer than four feet (4') in length.

§ 16-5.8 Prohibited Conduct.

- a. For Brush-Only Pick-Up, residents shall not place brush in any container or receptacle that does not meet the specifications of subsection 16-5.5.
- b. Residents shall not place brush and/or leaves in plastic or paper bags.
- c. Residents shall not combine leaves with brush when utilizing a Brush Can for any scheduled pick up.
- d. Residents shall not sweep, rake, blow or otherwise place yard waste in the street or place in a Brush Can.
- e. Brush Containers shall not be stored or placed within front yard area prior to the time at which such containers are permitted to be placed at the curbline for collection. Brush Containers may be stored in either rear or side areas, but if stored in side areas, they shall be screened from the view of street areas with planting or fencing.

§ 16-5.9 Responsibility of Residents; Applicability to Commercial Landscapers.

- a. The resident is responsible for the brush and leaves that have been placed at the front yard curb, or edge of the street by commercial landscapers or contractors they have hired. No commercial or residential lawn care contractor shall operate in violation of this ordinance and the resident shall be responsible for any such violation of this section by his, her or their commercial landscaper and/or contractor.
- b. Any commercial landscaper planning to work on any property within the Borough where brush or leaves will be generated, collected, or disposed shall first register with the Municipal Clerk in accordance with Chapter 4, Section 4-10.
- c. Both the commercial landscaper and the resident hiring such contractor shall be subject to penalty under this section for the improper placement of brush and/or leaves.

§ 16-5.10 Responsibility of the Borough.

The Borough will not be responsible for collecting brush and/or leaves left within any public right-of-way or on any private property if not placed in accordance with the requirements of this Chapter.

§ 16-5.11 Enforcement.

The provisions of this section shall be enforced by the Police Department, Code Enforcement Officer and/or Department of Public Works of the Borough of Fair Haven.

§ 16-5.12 One-Time Notice and Time to Cure.

- a. The Police Department, Code Enforcement Officer and/or Department of Public Works shall from time to time make inspections to ensure compliance.
- b. If any such department finds any violations of this Chapter, or if any such violation is reported by a Borough officer or employee, and such violation is deemed to be a first-time violation, a written notice shall be served upon the resident who shall remove and/or correct the violation(s) with ten (10) calendar days.
- c. Notice shall be served by way of hand delivery or by certified mail to the resident at the address on the tax records of the Borough, and the ten-day (10) period shall begin on the date the notice is hand delivered, or two (2) days after the certified mailing, whichever is earlier.
- d. Any resident who fails to remove and/or correct the violation(s) within the ten-day (10) period shall be subject to the penalties and fines contained in subsection 16-5.13.
- e. Residents shall not receive written notice or time to cure for all subsequent violations of this section.

§ 16-5.13 Violations and Penalties.

Any resident found to be in violation of the provisions of this section shall, upon conviction thereof, be summonsed as follows:

- a. For the first offense, a fine of \$200.
- b. For the second offense, a fine of \$300 and a mandatory court appearance.
- c. For the third offense and any subsequent offenses thereafter, a fine of \$500 and a mandatory court appearance.

SECTION 2. Section 16-7 entitled “Collection Restrictions” of Chapter 16 entitled “Solid Waste Management” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 16 SOLID WASTE MANAGEMENT

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§ 16.7 COLLECTION RESTRICTIONS

§ 16-7.1 Prohibited Materials.

Notwithstanding trash and recyclables as described in subsection **16.1.2**, the following items are prohibited from being placed for trash, recycling, and scheduled bulk collection, or included in bulk drop and recycling off at the Department of Public Works facility.

- a. Demolition and construction materials, including but not limited to building fixtures, bulk roof shingles, doors and windows, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc.
- b. ~~Tree trimmings, tree stumps, brush, leaves and g~~ Grass clippings.
- c. Wood pallets.

* * *

SECTION 3. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Councilman LaBarbera advised there were two open houses held and this ordinance reflects the feedback received at the open houses. There will be education for residents including composting of material. We are refining the “marketing material” to help educate. There are more open houses scheduled for April and May before the program kick off in May. Councilwoman DiMiceli stated that there could be stickers for the residents that have pictures of what can go in the can and what should not. Councilwoman Cole advised that Ruth Blaser who oversees the Be A Good Neighbor Committee may be willing to help.

Offered for introduction by Councilmember LaBarbera, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, LaBarbera and Olson

Negative: Councilwoman Koch

Abstain: None

Absent: Councilwoman Hoey

CONSENT AGENDA RESOLUTIONS

- 3. Resolution No. 2024-57, Approve Interlocal Service Agreement with Rumson - Municipal Court

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote Interlocal Services Agreements; and

WHEREAS, the Boroughs of Fair Haven and Rumson have agreed that the Interlocal Services Agreement for Municipal Court services will include Court Administrator duties as per agreement; and

WHEREAS, it is in the best interest of the Borough of Fair Haven and the Borough of Rumson to begin the services listed above beginning on, or about April 1, 2024 and continue through March 31, 2027; and

WHEREAS, it is agreed by the Borough of Fair Haven and the Borough of Rumson that the Agreement may be extended for two (2) additional terms of three (3) years up to a total of six (6) additional years; and

WHEREAS, a copy of the Interlocal Services Agreement is on file in the office of the Municipal Clerk; and

WHEREAS, said Agreement is pending approval of Monmouth County Administrative Office of the Courts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk of the Borough of Fair Haven are hereby authorized to sign said Agreement.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

4. Resolution No. 2024-58, Appoint Affordable Housing Administrative Agent

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Borough of Fair Haven is implementing a program to provide affordable housing units to low- and moderate-income households within the Borough; and

WHEREAS, the Borough's Affordable Housing Ordinance, found in Chapter 30 Section 15 of the Borough's Code, sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26 et. seq., that requires the affordability controls of affordable housing units be administered by an Administrative Agent acting on behalf of a municipality; and

WHEREAS, the Borough of Fair Haven released a request for proposals initially and selected Kendra Lelie of Kyle+McManus Associates, who advised that the firm only provide Affordable Housing Planner services and not Administrative Agent services; and

WHEREAS, the Borough solicited a proposal from Triad Associates with a professional staff who obtained the necessary training and certification to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Borough.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Fair Haven Borough, County of Monmouth, State of New Jersey that Triad Advisory Services d/b/a Triad Associates is hereby appointed by the Governing Body of the Borough of Fair Haven as the Administrative Agent for the Borough's housing programs and that the Mayor and Borough Clerk are hereby authorized to execute agreement for same.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

5. Resolution No. 2024-59, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 26, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2024 CURRENT FUND ACCOUNT	\$ 3,233,487.77
GENERAL CAPITAL	\$ 262,974.49
OTHER TRUST	\$ 13,802.43
DOG TRUST	\$ 793.00
	\$ 3,542,168.01
LESS VOIDED CHECK	- 130.00
	\$ 3,542,038.01

CURRENT CHECK NO. 65162, \$130.00

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

6. Resolution No. 2024-60, Approve Tax Overpayment Refund - 112 Pine Cove Road

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 1st Quarter 2024 due to duplicate payments and advises that the following property owner qualifies for a refund as follows:

Owner	Address	Block	Lot	Refund
Karen L. Beal, Trustee \$6,845.72	112 Pine Cove Road	78		13.04

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

7. Resolution No. 2024-61, Award Bid for River Road Street Light Project - Foggia Trinity Electric, LLC

WHEREAS, the Mayor and Council authorized the advertisement for receipt of bids for the DPW Facility Renovation Project; and

WHEREAS, sealed bids were opened on February 8, 2024 and the following bids were received:

CONTRACTOR	LOCATION	TOTAL AMOUNT BID
1. Foggia Trinity Electric, LLC	Scotch Plains, NJ	\$139,257.50
2. Sodon's Electric Inc	Atlantic Highlands, NJ	\$146,895.00
3. Quality Electrical Construction	Holmdel, NJ	\$155,329.00
4. Joan of Arc Electric, LLC	Freehold, NJ	\$168,655.00
5. Kane Communications	Trenton, NJ	\$247,950.00

WHEREAS, Andrew Sobel, Esq., Borough Attorney and Richard Gardella, Borough Engineer, reviewed the bid submissions and recommend that a contract award be made to Foggia Trinity Electric, LLC., 1608 East Second Street, Scotch Plains, New Jersey 07076 in the amount of \$139,257.50; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for said bid award are available through the Insurance Reserves Claims Reimbursement Account and various Capital Accounts.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the River Road Light Pole Project to Foggia Trinity Electric, LLC., 1608 East Second Street, Scotch Plains, New Jersey 07076.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute any

paperwork necessary to move this project forward.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

8. Resolution No. 2024-62, Authorize Receipt of Proposals for Various Services (HVAC, Plumbing, Electric, Irrigation)

WHEREAS, there is a need for the Borough of Fair Haven to advertise and receive proposals for the following services to the Borough:

HVAC

Plumbing

Electrical

Irrigation

NOW, THEREFORE, BE IT RESOLVED that the Qualified Purchasing Agent, Borough Engineer and Borough Clerk are hereby authorized to solicit and receive proposals for said services.

BE IT FURTHER RESOLVED that the appropriate awarding resolution(s) will be listed on a future agenda for the governing body's consideration and approval.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

9. Resolution No. 2024-63, Approve Fire Department Social Membership Application - Edward Costello

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Edward Costello, 30 Parker Avenue, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

10. Resolution No. 2024-64, Authorize Mayor to execute Social Affairs Permit Application for Historic Association of Fair Haven - April 24th Fundraiser

WHEREAS the Historic Association of Fair Haven has applied for a special permit to be used for social affairs; and

WHEREAS, the Historic Association of Fair Haven is a non-profit organization formed to raise funds for the preservation of Fair Haven's Bicentennial Hall and other charitable work; and

WHEREAS, this organization is planning an event to be held on April 24, 2024 between the hours of 5:00 p.m. to 8:00 p.m.; and

WHEREAS, the Historic Association of Fair Haven does not hold a liquor license and is requesting permission to serve malt alcoholic beverages and wine; and

WHEREAS, the Historic Association of Fair Haven will be the recipient of the funds raised at the event; and

WHEREAS, the proper application has been completed and reviewed by the Municipal Clerk and Police Chief and found to be in order.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that the request for a Special Permit for Social Affairs on the above-mentioned date is hereby approved and that the Mayor is authorized to execute the application as the event is taking place on Borough property.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

11. Resolution No. 2024-65, Cancel LOSAP Payable Account Balance to Current Account

WHEREAS, the Borough of Fair Haven has a Length of Service Awards Program (LOSAP) for its active volunteer members of the Borough's Emergency Service Organizations, specifically the Fair Haven Volunteer Fire Company #1 and Fair Haven First Aid Squad; and

WHEREAS, according to law, a tax-deferred income account was set up for the Borough's LOSAP program and there are funds that remain from the program roll over to Lincoln Financial; and

WHEREAS, there is a need to cancel the LOSAP Payable Account No. 4-01-55-999-013 with a balance of \$46,296.74 and those funds will be deposited into the Borough's Current Account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Department is hereby authorized to cancel the LOSAP Payable Account and transfer the balance to the Borough's Current Account.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

12. Resolution No. 2024-66, Cancel ARPA Grant (Chapter 159) Balance to American Rescue Plan Funds

WHEREAS, in 2021, the Borough of Fair Haven received funds from the State of New Jersey through the Local Fiscal Recovery Fund - American Rescue Plan Act (ARPA); and

WHEREAS, there is a need to cancel the amount of \$3,000 from the ARPA Grant and transfer those funds to the American Rescue Plan Fund (Account No. 4-01-08-160-015).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Department is hereby authorized to cancel the ARPA Grant funds in the amount of \$3,000 and transfer the amount to the American Rescue Plan Fund.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: Councilwoman Hoey

Reports of Departments

January 2024

-Municipal Court

-Tax Collector

-Police Department

Motion to accept the reports, as submitted, moved by Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 10:03 p.m. He reminded everyone of the three-minute time limit. Councilwoman Cole advised the Grant Committee met last Monday and looked at six possible grants; with more on the horizon for the

Mayor and Council's consideration. For today, the grant that is emergent is a Historic Preservation Commission related grant application for a sign in a significantly historic location along the NJ Black Heritage Trail. The Landmark at Bicentennial Hall/Fisk Chapel is acceptable and would qualify for signage and as a landmark for the NJ Black Heritage Trail. This would be for a sign at Bicentennial Hall and the National and State Registry of Historic Places. It would be part of this trail and could be good for school and educational programs in the community. The Bicentennial Hall stakeholder group is talking about the next steps; the sign is a way to identify this landmark as part of the collection throughout the State. She showed a picture of the proposed signage. We provide the documentation and they take care of the sign. We can interview residents and get a narrative. The Historic Preservation Commission and Historic Association of Fair Haven are prepared to assist. Councilwoman DiMiceli said this would be good public relations. The deadline to apply is March 8th. Motion to move forward with the grant application moved by Councilman LaBarbera, second by Councilwoman Koch with Ayes by all present.

Councilman LaBarbera reported that the Fair Haven Fire Company held their Spaghetti Dinner and during the event they received a call for a motor vehicle accident at Hance and Ridge Roads that required their assistance. There was no need for extrication, they took care of the fire and returned to the event. The Spaghetti Dinner was a success.

Councilwoman Koch said the Foundation of Fair Haven this Saturday night is hosting a Hoe Down event at the Columbus Club; there are a few tickets still available. There will be a band, games and cornhole. Those who pre-registered for the event, will receive a code for \$5 off an Uber ride. There were many local businesses that donated for give aways. The proceeds will go toward Fair Haven Day. She advised that the Foundation of Fair Haven is a strong supporter of the Wall of Honor, help fund playground equipment, provided donations to the PTA and 8th Grade class dance, supported fundraisers for Bicentennial Hall and provided frames for Bicentennial Hall photos. The Foundation provides a lot of resources to the Borough not just Fair Haven Day.

Ruth Blaser, River Road, suggested the governing body read the Borough Code paying close attention to Chapters 14 and 16; they are very interesting.

There being no further comments or questions, the meeting was closed to the public at 10:12 p.m.

The Council went into executive session at 10:20 p.m. and this meeting was reconvened at 11:07 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilmember LaBarbera, second by Councilmember Cole with Ayes by all present.

Time of Adjournment: 11:08 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC
Borough Clerk